

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

STEPHANIE M. CAMPBELL

Plaintiff,

v.

**CAROLYN COLVIN,
COMMISSIONER OF SOCIAL SECURITY,**

Defendant.

CASE NO. 2:12-cv-0446

**JUDGE EDMUND A. SARGUS, JR
MAGISTRATE JUDGE MARK R. ABEL**

ORDER

This matter is before the Court for consideration of the objections filed by the Plaintiff to the Report and Recommendation issued by the Magistrate Judge. For the reason that follow, the objections are overruled and the Report and Recommendation of the Magistrate Judge is adopted by the ORDER of this Court.

I.

Plaintiff applied for Social Security Disability Benefits in 2008. Her claim was initially denied. She pursued further appeal, resulting in a hearing before a Social Security Administrative Law Judge (ALJ) in August of 2010. The ALJ issued a decision denying benefits, which was appealed to this Court. On June 25, 2013, the Magistrate Judge concluded that substantial evidence supported the decision denying benefits and the decision was not contrary to law. The Report and Recommendation recommended affirmance of the decision of the Defendant in denying benefits. Thereafter, the Plaintiff filed objections to the Report and Recommendation.

The objections primarily attack the treatment accorded to the opinion of Mr. John Bova, a certified nurse practitioner who treated the Plaintiff on a regular basis. He completed a questionnaire as to the Plaintiff's residual functional capacity to perform gainful employment. He described limitations upon the Plaintiff in contrast to those described by a number of both treating and consulting physicians.


As the Magistrate Judge explained, Mr. Bova, as a nurse practitioner, is not an "acceptable medical source," a term used in 20 C.F.R. § 404.1513(a) upon which an award of disability benefits may be based. Mr. Bova, as a skilled professional, is, however, a medical source who can help the finder of fact evaluate or measure the credibility of "acceptable medical source[s]." Both the ALJ and the Magistrate Judge noted that the conclusions of Mr. Bova do not find support by an acceptable medical source, meaning a treating or consulting physician. The ALJ and the Magistrate Judge correctly evaluated the opinions expressed by Mr. Bova.

II.

This Court has carefully reviewed the record in this case, together with the Report and Recommendation of the Magistrate Judge and the Plaintiff's objections. The Report and Recommendation of the Magistrate Judge is **ADOPTED** as the **ORDER** of this Court and the objections are **OVERRULED**.

Judgment is rendered in favor of the Defendant. This case is **DISMISSED**.

9-11-2013
DATE



EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE